

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-13 are pending in the present application. Claims 1-7 and 13 are amended. Non-cosmetic changes find support at least at page 15 line 6 through page 16 line 5 of the specification. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1-8 and 13 stand rejected under 35 U.S.C. §103 as being obvious over Perkins (Mobile IP) in view of Ayoub et al. (WO 99/33305, hereinafter Ayoub); and Claims 9-12 stand allowed.

Applicants appreciatively acknowledge the identification of allowable subject matter in Claims 9-12.

Applicants appreciatively acknowledge the statement by the Examiner at page 7 of the Official Action which clarifies the Examiner's position and suggests an amendment to the claims which overcome the prior art. Applicants have amended the claims in accordance with the Examiner's suggestion. As such, Applicants believe that the current art of the record is overcome and provide the following discussion for reiterating the distinguishing aspects of the amended claims relative to the cited art.

REJECTION UNDER 35 U.S.C. §102

The Official Action has rejected Claims 1-8 and 13 under 35 U.S.C. §103 as being obvious over Perkins in view of Ayoub. The Official Action asserts that Perkins discloses all the Applicants' claim features with the exception of destination information indicating a destination without identifying an address of the destination. However, the Official Action asserts that Ayoub discloses this more detailed aspect of the Applicants' advancements and states that it would have been obvious to one of ordinary skill of the art at the time the

advancements were made to combine the cited references for arriving at the Applicants' claims. Applicants respectfully traverse the rejection.

Applicants' Claim 1 recites, *inter alia*, a packet communication apparatus for transmitting packets to mobile terminals. The packet communication network utilizing a packet including:

a destination information unit configured to provide destination information to a packet inclusive of a description of a state of a mobile terminal that is a state of movement or a state of environment in which the mobile terminal is placed;

a transmission unit configured to transmit the packet to one or more mobile terminals having a state that matches the description of a state of a mobile terminal, said destination information indicating a destination without identifying an address of the destination.

Perkins describes a Mobile IP standard in which a packet header format is provided to account for a care-of-address which is encapsulated in an original header for forwarding the packet to a static destination IP address of a mobile terminal. The care-of-address is negotiated between a mobility agent of a mobile node and a foreign agent of a local routing device. In this manner, the local routing device communicates with the routing device of the home network of the mobile device to provide a forwarding address for packets directed to the mobile device.¹ As noted in the Official Action at page 2, Perkins does not disclose or suggest destination information indicating a destination without identifying an address of the destination as currently recited in Applicants' Claim 1.

Ayoub describes a method for reducing signaling load in a cellular network. For example, for supporting packet switch communication, a mobile station may be in any number of states such as "idle state", "ready state" and "standby state". When a mobile station is moving at a high rate of speed it is necessary for the mobile station to communicate

¹ Perkins at page 86.

cell updates together with routing area updates. As described in Ayoub, by adjusting a time parameter during which the mobile station is placed in the ready state, a signaling load of the mobile device is reduced.

Conversely, an exemplary embodiment of the Applicants' claimed advancements, a packet communication apparatus includes a destination information unit configured to provide destination information to a packet indicating a destination without identifying an address of the destination. In this way, a packet may be delivered to a destination based upon a description of a state of a mobile terminal. For example, the state of the mobile terminal may include a speed of movement, temperature and humidity. As can be appreciated packets can be forwarded to a mobile terminal having a state that matches a state of a packet communication. Thus, the packet is delivered to one or more destinations without indicating the address of these destinations.

As Ayoub describes the manner in which a mobile terminal provides signals to a network, it cannot be said to disclose or suggest criteria which dictates whether or not a packet is delivered to a mobile terminal. Thus, by combining Ayoub with Perkins, a mobile terminal would decrease and/or increase communications with cellular base stations based on a speed of movement. There is absolutely no disclosure or suggestion in Ayoub or Perkins to provide a packet including description of a state of a mobile terminal indicating a destination without identifying an address of the destination as recited in the amended claims. As a result of the claimed advancements, a packet may be delivered to its ultimate destination based upon the destination information as it corresponds to a state of a mobile terminal as recited in Claim 1 and, by virtue of dependency, Claims 2-6. Likewise, Claims 7 and 13 recite substantially similar limitations to that discussed above, and are believed to be

allowable, as well as their corresponding dependent claims at least for the reasons discussed above.

Accordingly, Applicants respectfully request that the rejection of Claims 1-8 and 13 under 35 U.S.C. §103 be withdrawn.

CONCLUSION


Consequently, in view of the foregoing remarks, it is respectfully submitted that the present application, including Claims 1-13, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)
SAM/rac



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Scott A. McKeown
Registration No. 42,866

BDL:SAM:ys

I:\ATTY\SAM\PROSECUTION WORK\201220\201220US-AM.DOC